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*Attorney for Jan Rouven Fuechtener*

6  
UNITED STATES DISTRICT COURT  
7  
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,  
9 Plaintiff,  
10 vs.  
11 JAN ROUVEN FUECHTENER,  
12 Defendant.

CASE NO.: 2:16-CR-100-GMN-CWH

**SECOND MOTION TO  
WITHDRAW AS COUNSEL**

13 COMES NOW, KAREN A. CONNOLLY, of the law office of KAREN A. CONNOLLY,  
14 LTD., counsel for Defendant, JAN ROUVEN FUECHTENER, and hereby files this ***Second Motion***  
***to Withdraw as Counsel.*** This motion is made and based upon the pleadings and papers on file  
herein, the following Points and Authorities and any evidence adduced at the time of any hearing  
in this matter.

18 DATED this 24 day of September, 2018.

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21 KAREN A. CONNOLLY, LTD.  
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## **MEMORANDUM OF POINTS AND AUTHORITIES**

This matter was set for Sentencing on November 14, 2018. For reasons set forth in the Affidavit attached hereto, undersigned counsel seeks to withdraw as counsel for Fuechtener.

On August 14, 2018, undersigned counsel was served with a copy of *Defendant Jan Rouven Fuechtener's Motion for Release of Funds for Purposes of Retaining Specially Appearing Counsel* filed by the law firm of CHESNOFF & SCHONFELD on behalf of Fuechtener. Thereafter, undersigned submitted a Motion to Withdraw. Hearings ensued on August 31<sup>st</sup> and September 6<sup>th</sup> 2018. The motions were denied. Undersigned was appointed as CJA counsel.

During the aforementioned hearings and thereafter, undersigned counsel engaged in positive conversations with Defendant. However, representations made to undersigned by Defendant, are contradicted by representations made on Defendant's behalf in *Defendant Jan Rouven Fuechtener's Motion for Reconsideration Regarding Minute order ecf 295 Denying Defendant's Motion for Release of Funds for Purposes of Retaining Specially Appearing Counsel*. ECF 296 filed with the court on September 14, 2018. Yet another motion filed without undersigned counsel's knowledge or the courtesy of prior notification. Although there is no affidavit of Defendant attached to the pleading, it was filed on his behalf. Therefore, as an officer of the court, it is presumed that representations made by the attorney therein are true.

18 Since discussions with Defendant are attorney client privileged, undersigned will not divulge  
19 the content of relevant communications with Defendant except in a closed hearing. What can be  
20 disclosed is that Defendant's actions have and are continuing to cause a severe strain on the  
21 attorney- client relationship. There has been an irretrievable break down in communication and trust  
22 between attorney and client.

23 Local Rule IA 11-6 (b) states, No attorney may withdraw after appearing in a case except by  
24 leave of court after notice is served on the affected client and opposing counsel. Undersigned  
25 counsel is seeking to withdraw as counsel.

26 There has been a breakdown in communication and trust between counsel and Defendant  
27 resulting in irreconcilable conflict. See, United States v. Smith 282 F.2d 758, 764 (9<sup>th</sup> Cir. 2002);  
28 United States v. Corona-Garcia, 210 F.3d 973, 976 (9<sup>th</sup> Cir. 2000); United States v. Mills, 597 F.2d

1 693, 700 (9th Cir. 979)

2 Furthermore, ("NRPB") 1.16 provides, in pertinent part as follows:

3 Rule 1.16. Declining or Terminating Representation.

4 (b) Except as stated in paragraph ©, a lawyer may withdraw from representing  
5 a client if:

6 (4) A client insists upon taking action that the lawyer considers repugnant or  
7 with which the lawyer has fundamental disagreement;

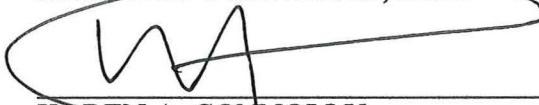
6 (6) The representation will result in an unreasonable financial burden on the  
7 lawyer or **has been rendered unreasonably difficult by the client; or**

7 (7) **Other good cause for withdrawal exists.**

8  
9 Defendant has caused his ongoing representation by counsel to be unreasonably difficult for  
10 many reasons, which undersigned does not wish to divulge in an open forum.

11 Under the circumstances, it is respectfully requested that this Court enter an order approving  
12 Karen A. Connolly's withdrawal as attorney for Jan Rouven Fuechtener.

13 DATED this 24 day of September, 2018.

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1                   **AFFIDAVIT OF KAREN A. CONNOLLY**  
 2                   **IN SUPPORT OF SECOND MOTION TO WITHDRAW**

3 STATE OF NEVADA         )  
 4 COUNTY OF CLARK         ) ss:  
                             )

5 I, KAREN A. CONNOLLY, being first duly sworn, deposes and states:

6                  That I am an attorney duly licensed to practice law in the State of Nevada and admitted to  
 7 practice in the Federal Court with an office located at 6600 W. Charleston Blvd., Suite 124, Las  
 8 Vegas, NV 89146.

9                  That I was retained to represent Defendant JAN ROUVEN FUECHTENER.

10                 On September 14, 2018, *Defendant Jan Rouven Fuechtener's Motion for Reconsideration*  
 11 *Regarding Minute order ecf 295 Denying Defendant's Motion for Release of Funds for Purposes*  
 12 *of Retaining Specially Appearing Counsel. Ecf296* was filed with the court. Yet another motion  
 13 filed without prior notification to undersigned.

14                 Representations made in the aforementioned motion are contrary to representations made to  
 15 undersigned and her staff by Defendant.

16                 Since discussions with Defendant are attorney client privileged, undersigned will not divulge  
 17 the content of relevant discussions with Defendant unless compelled to do so in closed hearing.  
 18 What can be said is that Defendant's actions have caused a lack of trust between Defendant and  
 19 undersigned resulting in an irretrievable breakdown in the attorney client relationship.

20                 Federal Local Rule IA 10-6 (b) states, No attorney may withdraw after appearing in a case  
 21 except by leave of court after notice is served on the affected client and opposing counsel.

22                 ///

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1 That Fuechtener's last known address is as follows: Jan Rouven Fuechtener, #53165048,  
2 Nevada Southern Detention Center, 2190 E. Mesquite Ave., Pahrump, Nevada 89060.

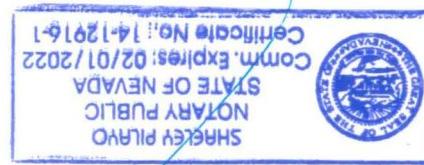
3 That a copy of this motion was mailed to Fuechtener on the date of its filing.

4 DATED this 26 day of September 2018.

5  
6 KAREN A. CONNOLLY

7 SUBSCRIBED and SWORN to before me  
8 this 26 day of September 2018.

9  
10 NOTARY PUBLIC in and for the  
11 STATE OF NEVADA, COUNTY OF CLARK



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1                   **CERTIFICATE OF SERVICE**

2                   I HEREBY CERTIFY that I am an employee of KAREN A. CONNOLLY, LTD., and on the  
3                   26 day of September, 2018, I served a true and correct copy of the above and foregoing *Second*  
4                   *Motion to Withdraw as Counsel* via the CM/ECF system upon the following:

5                    by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las  
6                   Vegas, Nevada, addressed as follows:

7                   Cristina D. Silva, United States Attorney  
8                   Daniel D. Hollingsworth, United States Attorney  
9                   Elham Roohani, United States Attorney  
9                   Lisa Cartier-Giroux, United States Attorney  
9                   Mark E. Woolf, United States Attorney

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12                     
13                   an Employee of KAREN A. CONNOLLY, LTD.  
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